

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

December 8, 2008

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Councilmembers present: Karen Adams, Karen Berry, Dean Gokey, Tracy Langworthy, Lena Rotola, Wanda Sang, Mike Stites, and Terry Womble. Also present: City Clerk, Michael Snow; City Manager, Randy Young; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Director of Community Development, Kenneth Johnstone; staff; and interested citizens.

APPROVAL OF MINUTES OF November 24, 2008

Motion by Mrs. Sang for approval of the Minutes of November 24, 2008; seconded by Mr. Stites; carried 8-0.

PROCLAMATIONS AND CEREMONIES

Civic Academy Graduation

Mayor DiTullio and Heather Geyer provided awards recognizing all graduates of this year's academy. This year's graduates were:

**Kae Betz
Ryan Fisher
Mirium Hanna
Joyce Jay
Dick Matthews
Floyd Sekiya
Katie Vanderveen**

**Wanda Chmiel
Britta Fisher
Brian Hansen
Virginia Kiely
Carolyn Peterson
Mike Stebritz
James Williams**

**Emery Dorsey
Donna Gunnison
Carrie Hargrave
Cathy Lester
Julie Pezze
Kirk Vance**

Rotary Club – Presentation of Annual Contribution

Mayor DiTullio recognized the contributions from the Rotary Club to the City of Wheat Ridge Parks and Recreation Department for the development of the Fields of Green Project. Dick Matthews presented this year's check from the Rotary Club to Joyce Manwaring on behalf of the Wheat Ridge Parks & Recreation Department.

Wheat Ridge High School State Champion Girls Softball Team

Mayor DiTullio recognized and congratulated the Wheat Ridge High School Girls Softball Team for their championship win in the State 4A tournament.

Wheat Ridge High School State Champion Boys Football Team

Mayor DiTullio recognized and congratulated the Wheat Ridge High School Boys Football Team for their championship win in the State 4A tournament.

CITIZENS' RIGHT TO SPEAK

No citizens were present to speak.

Item 1. CONSENT AGENDA

- A. Approval of Award RFP-08-38 Videography Services for Channel 8 to Jesse Johnson & I.O.T.K. Media, Arvada, Colorado, in the not to exceed amount of \$44,700.
- B. Approval of Award RFP-08-39 Connections Newsletter Design and Print Services to Communication Infrastructure Group, LLC, Evergreen, Colorado, in the not to exceed amount of \$58,800.
- C. Approval of payment to CIRSA for deductible portion of Claims paid by CIRSA for October 2008 Property Casualty in the amount of \$44,671.51.
- D. Approval of the 2009 City Council Regular Meeting Calendar.
- E. Cancellation of December 22, 2008 City Council Meeting.

Consent Agenda was introduced and read by Council Member Sang.

Mr. Womble asked to pull Item 1A from the Consent Agenda.

Motion by Mrs. Sang for approval of Consent Agenda items B-E; seconded by Mr. Gokey; carried 8-0.

Motion by Mr. Womble deny Item 1A for the following reason:

- First Light Photography has always provided quality services to the City in the past. Their service should be rewarded with a renewed contract.

Motion seconded by Mrs. Sang; failed 6-2 with Council Members Womble and Sang voting Yes.

Motion by Mrs. Langworthy to approve Item 1A; seconded by Mr. Stites; carried 7-1 with Mr. Womble voting No.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Item 2. Council Bill 20-2008 – An Ordinance Amending Chapter 10 of the Wheat Ridge Code of Laws to provide a process for the creation and administration of Community Benefit Districts.

Mayor DiTullio opened the Public Hearing.

Council Bill 20-2008 was introduced on second reading by Council Member Sang who read the Executive Summary. City Clerk Michael Snow assigned Ordinance No. 1424.

Mr. Dahl provided Council a summary of the procedural structure of the CBD program.

Britta Fisher spoke in favor of the Ordinance on behalf of Wheat Ridge 2020 and as a Wheat Ridge citizen. She believes the CBD program is a positive program for the City's revitalization that gives residents a means to implement improvements to their neighborhood where they would otherwise not be feasible.

Katie Vanderveen, spoke in favor of the Ordinance, reiterating those comments mentioned by Britta Fisher.

Charlie Holzer expressed mixed feelings on the Ordinance. He feels it may offer positive benefits to a community, but he does not believe it is right to impose any more taxes on property owners. He also does not believe the 35% weighted majority threshold is sufficient to justify implementation of such a district. Also the program indicates a CBD may continue in perpetuity which is a slippery slope for citizens that may not be able to afford the additional taxes.

Joyce Jay supports the program and its means to reach the City's revitalization goals.

Mayor DiTullio closed the public hearing.

Motion by Ms. Sang to approve Council Bill 20-2008 (Ordinance 1424) on second reading, and that it take effect 15 days after final publication, with the following amendments:

Amend Section 10-16(a) and 10-19(2) to delete references to "thirty-five percent (35%) and replace the same with "fifty percent (50%)."

Seconded by Mrs. Rotola.

Ms. Berry offered an Amendment to the original Motion with the following amendment to the Ordinance:

Section 10-19(2)(a), As soon as practicable after the receipt of a valid petition pursuant to subsection (2) of this Section, *INSERT ...or passage of a motion by a majority of the Council to set a hearing for disestablishment of the CBD pursuant to Subsection 1 of this Section, ...*

Seconded by Mrs. Sang; carried 6-2 with Council Members Womble and Gokey voting No.

Original motion as amended carried 6-2 with Council Members Womble and Gokey voting No.

Item 3. Council Bill 22-2008 – An Ordinance amending Chapter 4, Section 14 of the Code of Laws of the City of Wheat Ridge, which concerns the Regulations of Exotic Animals within the City.

Mayor DiTullio opened the Public Hearing.

Council Bill 22-2008 was introduced on second reading by Mrs. Langworthy. City Clerk Michael Snow assigned Ordinance No. 1425.

Commander Jim Lorentz presented the staff report.

Louise Turner spoke on behalf of the Wheat Ridge Animal Welfare and Control Commission. Mrs. Turner emphasized to the Council that although the Commission voted to support the Ordinance 4 votes to 2, several of the members have concerns for that portion of the Ordinance that addresses exceptions to the successive periods of time. Mrs. Turner provided the City Clerk and Council a memo recommending an amendment to the current form of the Ordinance (included in this packet). The change requested recommended amending Section 4-14(b) to include the wording "*Upon Recommendation of the Animal Welfare and Control Commission*, the Chief of Police may grant exceptions to this section for successive periods of time and/or may give permanent license status to any permit after the first 12 months". She also pointed out to the Council that this Ordinance takes away any last formal role of the Animal Welfare and Control Commission in these or similar matters and leaves the commission with almost nothing left of its authority. She feels that the commission is an important asset to the community and the City, and that the formal role of the commission should be maintained in matters such as these. Many members of the Commission fear that this loss of formal authority may eventually lead to the Council choosing to dissolve the Animal Welfare and Control Commission completely.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Langworthy to approve Council Bill 22-2008 (Ordinance 1425) on second reading and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 8-0.

Item 4. Council Bill 23-2008 – An Ordinance Regulating the Operation of Secondhand Dealers and Precious Metal Dealers, and in connection therewith, amending Article VII of Chapter 11 of the Code of Laws.

Mayor DiTullio opened the Public Hearing.

Council Bill 23-2008 was introduced on second reading by Council Member Sang. City Clerk Michael Snow assigned Ordinance No. 1426.

Commander Jim Lorentz presented the staff report.

No citizens were present to speak.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Sang to approve Council Bill 23-2008 (Ordinance 1426) on second reading, and that it take effect 15 days after final publication; seconded by Mrs. Langworthy; carried 7-1 with Mr. Gokey voting No.

ORDINANCES ON FIRST READING

Item 5. Council Bill 17-2008 – An Ordinance providing for the approval of a Change of Zoning from Residential-One (R-1) and Agriculture-One (A-1) to Planned Residential Development and for approval of an Outline Development Plan for property located at 11885 West 38th Avenue. (Case No. WZ-07-06) (Doud Overlook)

Council Bill 17-2008 was introduced on first reading by Mr. Stites, who read the Executive Summary.

Motion by Mr. Stites to approve Council Bill 17-2008 on first reading, order it published, public hearing set for Monday, January 12, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 7-0 with Council Member Gokey absent from the dais at the time of the vote.

Item 6. Council Bill 24-2008 – An Ordinance providing for the approval of Agriculture-One (A-1) Zoning on property recently annexed to the City of Wheat Ridge, located West of Lot 9, Cabela's/Coors Subdivision, North of Clear Creek, and South of State Highway 58 at Indiana Street extended. (Case No. WZ-08-08) (Coors at Clear Creek)

Council Bill 24-2008 was introduced on first reading by Mr. Stites who read the Executive Summary.

Motion by Mr. Stites to approve Council Bill 24-2008 on first reading, order it published, public hearing set for Monday, January 12, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Langworthy; carried 8-0.

DECISIONS, RESOLUTIONS, AND MOTIONS

Item 7. Resolution 62-2008 – A Resolution repealing and reenacting the City Budget and appropriating sums of money to the various funds and spending agencies for the City of Wheat Ridge, Colorado, for the 2009 Budget Year.

Resolution 62-2008 was introduced by Ms. Berry, who read the Executive Summary.

Mr. Goff presented the Staff report and summary of adjustments to the Proposed 2009 Budget (presentation included in this packet).

Motion by Ms. Berry to approve Resolution 62-2008; seconded by Council Members Rotola and Langworthy; carried 5-3 with Council Members Sang, Womble and Gokey voting No.

Item 8. Resolution 63-2008 – A Resolution levying General Property Taxes for the Year 2008, to help defray the costs of Government for the City of Wheat Ridge, Colorado, for the 2009 Budget Year.

Resolution 63-2008 was introduced by Mr. Stites who read the Executive Summary

Motion by Mr. Stites to approve Resolution 63-2008; seconded by Mr. Gokey; carried 8-0.

Item 9. Resolution 64-2008 – A Resolution concerning expenditure of the City's 2007 Jurisdictional Allocation of Federal Community Development Block Grant Funds.

Resolution 64-2008 was introduced by Mr. Gokey. City Clerk Michael Snow read the Executive Summary.

Mr. Johnstone provided additional Staff summary and information.

Motion by Mr. Gokey to approve Resolution 64-2008; seconded by Mr. Womble; carried 5-3 with Council Members Rotola, Berry and Adams voting No.

ELECTED OFFICIALS' MATTERS

Mayor and Council expressed their sympathies to the DiCroce family for the passing of Judy DiCroce.

Mayor and Council also expressed wishes to all for a Happy Holidays.

Citizens are informed that many Board and Commission positions will be opening in the coming year. Anyone interested in serving should submit an application to City Clerk's office.

The Police Department will start the Citizen Police Academy again in March and the Coffee with a Cop program will continue through the next year. Details can be found on the City's website.

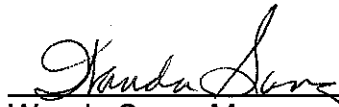
Mayor DiTullio requested that City Staff use the *Strike/Insert* style of writing Ordinances more consistently to give as much transparency as possible to Ordinances proposed by the Council and Staff.

Meeting adjourned at 9:00p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON JANUARY 12, 2009 BY A VOTE OF 8 to 0



Wanda Sang, Mayor pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.